

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICTOR W. COOPER,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.

Defendants.

No. C 02-03712 JSW

**ORDER OF REFERRAL**

On April 23, 2007, Alexander Mezhbein filed a motion to compel compliance with the Settlement Agreement in this case (Docket No. 174). Under the terms of that Settlement Agreement, the parties agreed that Magistrate Judge Spero would preside over disputes that might arise in connection with the Settlement Agreement and to enforce the terms of the Settlement Agreement. Settlement Agreement ¶ 8. Accordingly, the Court referred Mezhbein's motion to Magistrate Judge Spero for a report and recommendation on the motion.

On May 3, 2007, Judge Spero issued a report and recommendation, recommending that the motion be denied on the ground that this Court's continuing jurisdiction over the Settlement Agreement was terminated by Order dated January 9, 2007. (*See* Docket No. 176.) The Court's January 9, 2007 Order adopted a Report and Recommendation relating to motions to enforce the Settlement Agreement brought by inmates at CSP Solano. Mr. Mezhbein, however, is an inmate at CSP Chuckawalla.

On May 7, 2007, Defendants filed an opposition to Mr. Mezhbein's motion and argued that the Court should deny the motion and decline to exercise continuing jurisdiction over the

1 Settlement Agreement as to claims raised by inmates incarcerated at facilities other than CSP  
2 Solano.

3 On May 14, 2007, Mr. Mezhbein filed a timely objection to the Report and  
4 Recommendation. In light of those objections and the Defendants' opposition to Mr.  
5 Mezhbein's initial motion, which were filed after Judge Spero issued his Report and  
6 Recommendation, the Court HEREBY REFERS this matter back to Judge Spero for further  
7 clarification or reconsideration of the May 3, 2007 Report and Recommendation.

8 **IT IS SO ORDERED.**

9  
10 Dated: May 22, 2007

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

COOPER,

Plaintiff,

v.

STATE OF CALIFORNIA, THE ET AL et  
al,

Defendant.

Case Number: CV02-03712 JSW

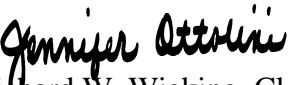
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 22, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Alexander Mezhbein C-20631  
CVSP  
Chuckwalla Valley State Prison  
P O Box 2349  
Blythe, CA 92226

Dated: May 22, 2007

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk